



Supreme Court of California  
350 McAllister Street, San Francisco, CA 94102-4797  
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**NEWS RELEASE**

Contact: [Cathal Conneely](mailto:Cathal.Conneely@courts.ca.gov), 415-865-7740

**FOR IMMEDIATE RELEASE**

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## **Summary of Cases Accepted and Related Actions During Week of February 22, 2016**

*[This news release is issued to inform the public and the press of cases that the Supreme Court has accepted and of their general subject matter. The statement of the issue or issues in each case set out below does not necessarily reflect the view of the court, or define the specific issues that will be addressed by the court.]*

**#16-59 *In re Albert C.*, S231315.** (B256480; 241 Cal.App.4th 1436; Los Angeles County Superior Court; MJ21492.) Petition for review after the Court of Appeal modified and affirmed orders in a juvenile wardship proceeding. The court limited review to the following issues: (1) Did the juvenile court violate minor's due process rights by detaining him well past the 120-day limit established in the Los Angeles County Superior Court Juvenile Division's "Amended Competency to Stand Trial Protocol" (Protocol), without evidence of progress toward attaining competency? (2) Does a violation of the Protocol establish a presumption of a due process violation?

**#16-60 *Harris v. Superior Court*, S231489.** (B264839; 242 Cal.App.4th 244; Los Angeles County Superior Court; BA408368.) Petition for review after the Court of Appeal denied a petition for peremptory writ of mandate. This case presents the following issues: (1) Are the People entitled to withdraw from a plea agreement for conviction of a lesser offense and to reinstate any dismissed counts if the defendant files a petition for recall of sentence and reduction of the conviction to a misdemeanor under Proposition 47? (2) If the defendant seeks such relief, are the parties returned to the status quo with no limits on the sentence that can be imposed on the ground that the defendant has repudiated the plea agreement by doing so?

**#16-61 *People v. Hernandez*, S231827.** (E063492; nonpublished opinion; Riverside County Superior Court; SWF1400678.) Petition for review after the Court of Appeal affirmed the denial of a petition to recall sentence.

**#16-62 *People v. King*, S231888.** (B261784; 242 Cal.App.4th 1312; Los Angeles County Superior Court; YA088292.) Petition for review after the Court of Appeal affirmed the denial of a petition to recall sentence.

The court ordered briefing in *Hernandez* and *King* deferred pending decision in *People v. Cuen*, S231107 (#16-22), and *People v. Romanowski*, S231405 (#16-24), which present the following issue: Does Proposition 47 (“the Safe Neighborhoods and Schools Act”), which reclassifies as a misdemeanor any grand theft involving property valued at \$950 or less (Pen. Code, § 490.2), apply to theft of access card information in violation of Penal Code section 484e, subdivision (d)?

## DISPOSITION

Review in the following case was dismissed at the joint request of the parties in light of the settlement of the action:

**#15-231 *Cardenas v. Fanaian*, S230533.**

## STATUS

In the following two cases in which review was previously granted, the court ordered briefing deferred pending decision in *People v. Buycks*, S231765 (#16-19), which presents the following issue: Was defendant eligible for resentencing on the penalty enhancement for committing a new felony while released on bail on a drug offense even though the superior court had reclassified the conviction for the drug offense as a misdemeanor under the provisions of Proposition 47?

**#15-210 *People v. Eandi*, S229305.**

**#15-211 *People v. Perez*, S229046.**

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*The Supreme Court of California is the state’s highest court and its decisions are binding on all other California state courts. The court’s primary role is to decide matters of statewide importance and to maintain uniformity in the law throughout California by reviewing matters from the six districts of the California Courts of Appeal and the fifty-eight county superior courts (the trial courts). Among its other duties, the court also decides all capital appeals and related matters and reviews both attorney and judicial disciplinary matters.*